



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/670,487	09/26/2000	Ivy Pei-Shan Hsu	M-8639 US	4335

7590 12/31/2003

Seth H. Ostrow, Esq.
Brown Raysman Millstein Felder
900 Third Avenue
New York, NY 10022

EXAMINER

SALAD, ABDULLAHI ELMI

ART UNIT	PAPER NUMBER
----------	--------------

2157

DATE MAILED: 12/31/2003

8

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/670,487

Applicant(s)

HSU ET AL.

Examiner

Salad E Abdullahi

Art Unit

2157

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 April 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-69 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-69 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Art Unit: 2157

Detailed Action

1. This application has been reviewed. Original claim 1-69 are pending. The rejection cited stated below.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 2 recites the limitation "said load balancing server" in lines 8-9. There is insufficient antecedent basis for this limitation in the claims.

Duplicate Claims, Objections

4. Applicant is advised that should claims 29, 44 and 58 be found allowable, claims 33, 48 and 62 will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

Art Unit: 2157

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

6. Claim 1-69 are rejected under 35 U.S.C. 102 (e) as being anticipated by Logan et al., U.S. Patent No. 6,578,066.

As per claim 1, Logan et al., disclose a method for providing load balancing among host server (204) in computer network (104) using a load balancing switch (108) and plurality of site switches (202), the method comprising:

- coupling said load balancing switch (108) between said computer network (104) and an authoritative domain name server [see col. 5, lines 19-30, which describes the existence of a single authoritative name server for every domain represented by the switches 108], also Logan describes the switch sends the response from the authoritative domain name server back to the client (see col. 3, lines 8-25) which indicates the switch is coupled (connected) to the authoritative name server] and configuring said load balancing switch (108) as a proxy (acts as) to said authoritative name server (see col. 4, lines 30-36, where the switch 108 acts as on behave of the authoritative name server), in addition [the load balancing switch 108, includes a proxy functionality for proxying the authoritative name server by: receiving name resolution requests for the authoritative name server (col. 3,

Art Unit: 2157

lines 11-13), receiving responses from the authoritative name server (col. 3, lines 23-26), collecting performance metric of the network, arranges a list of IP-addresses from the authoritative name server and sending the ordered list to the client (see the abstract and col. 3, lines 8-25), hence the load balancing switch acts as proxy to the authoritative name server, in addition the proxy functionality of the load balancing switch 108 corresponds of the proxy functionality as described in the instant application (see specification page 7, lines 8-17)] (see also col. 5, lines 3-59).

- coupling each of said host servers (204) to said computer network (104) through said site switches (202) (see fig. 2, and col. 6, line 14-41);
- collecting at said load balance switch a first set of performance metrics (i.e. health check among the load balancing server switches) regarding said network (see col. 5, lines 3-65 and col. 6, lines 14-41);
- whenever said authoritative domain name server provides network addresses in response to a query regarding a domain name (see col. 11, 51 to col 12, and col. 5, lines 45-59);
- arranging said network addresses as an ordered list in accordance with said performance metrics (see the abstract and col. 3, lines 9-25 and col. 6, lines 14-41);
- forwarding said ordered list of network addresses as a response to said query to an originator of said query (see col. 11, line 51 to col. 12, line 4).

Art Unit: 2157

In considering claim 2, Logan et al., disclose a method for providing load balancing among host server further comprising:

collecting a second set of performance metrics (i.e. response time minimum delay, least cost) regarding said network, said second set of performance metrics reflecting access conditions (load, throughput or availability) to said host servers (204) at each of said site switches (202) (see fig. 2, and col. 6, line 14-41);

sending said second set of performance metrics from said site switches (202) to said load balancing switches (108)(see col. 6, line 14-41); and

including said second set of performance metrics with said first set of performance metrics [that is the load balancing switch including second performance metric i.e. response time received from site switches 202 with first performance metric i.e. health of the network or in other wards combing several performance metric to determine best site or server](see col. 5, lines line 46 to col. 6, line 3 and col. 11, line 50 to col. 6, line 4).

In considering claim 3, Logan et al., a method for providing load balancing among host server, wherein said first set of performance metrics includes a health check sent from said load balancing switch to each of said site switches (see col. 5, line 60 to col. 6, line col. 6, line 3, and col. 6, lines 14-41).

Art Unit: 2157

In considering claim 4, Logan et al., a method for providing load balancing among host servers, wherein when any of said host servers fails said health check, a network address of said failed host server is provided a lesser position in said ordered list (see col. 11, line 41 to col. 12, line 3).

In considering claim 5, Logan et al., discloses a method for providing load balancing among host server, wherein said collection of said second set of performance metrics includes recording, at each site switch, a number of sessions(connections) connected to host servers having network addresses configured on said site switch (that is determining if host servers reach at their respective Maximum connection)(see col. 5, lines 38-45 and col. 9, lines 1-35).

In considering claim 6, Logan et al., disclose a method for providing load balancing among host servers wherein when said number of sessions (connection) at said site switch exceeds a predetermined percentage of that site switch's maximum capacity, a corresponding one of said network addresses is provided a lesser position in said ordered list [i.e. ordering the list of IP addresses for host server 210, 204, 206, and 208 in order of priority, the 900 msec response time of server 210 gets highest position] (see col. 6, lines 14-41 and col. 9, lines 5-35).

In considering claim 7, Logan et al., discloses a method for providing load balancing among host servers, wherein said collecting said second set of performance metrics includes recording, at each site switch, a round trip time indicative of elapse time (response time) for exchanging

Art Unit: 2157

messages between each site switch and a client machine of said computer network (see col. 5, lines 3-59).

In considering claim 8, Logan et al., disclose a method for providing load balancing among host servers, wherein said round trip time (response time) being an actual recorded time period between said site switch receiving a connection request from said client machine and said site switch receiving an acknowledgment of a connection from said client machine (current measured response time includes the transmitting a packet or request and receiving response i.e., acknowledgment), (see col. 5, lines 3-59 and col. 6, lines 14-41).

In considering claim 9, Logan et al., disclose a method for providing load balancing among host server wherein said arranging takes into consideration the geographical location of said originator of said query (see col. 10, lines 6-65).

In considering claim 10, Logan et al., disclose a method for providing load balancing among host server, wherein said collecting of said first set of performance metrics includes recording a time interval for each site switch between said load balancing switch initiating said health check and said load balancing switch receiving a response from said site switch (see col. 5, line 3 to col. 6, lines 13).

Art Unit: 2157

In considering claim 11, Logan et al., discloses a method for providing load balancing among host server, wherein said arranging selects a network address of a least recently selected host server for placement at a higher position in said ordered list (i.e. host with 900 msec response time is the least selected host and is positioned highest on the list)(see col. 6, lines 14-41).

In considering claim 12, Logan et al., disclose a method for providing load balancing among host server, further comprising said load balancing switch limiting a valid time (TTL) for each network address in said ordered list to less than predetermined value (see col. 11, lines 9-13).

In considering claim 13, Logan et al., disclose a method for providing load balancing among host server further comprising, when a connection request is received at a site switch for a connection to one of said host servers, said site switch redirecting said connection request to another one of said host servers (see col. 5, lines 38-45 and col. 10, line 66 to col. 11, line 9).

As per claim 14, Logan et al., disclose a system for load balancing among host servers(204) in a computer network, comprising:

- an authoritative domain name server [the authoritative name server (see col. 5, lines 19-30, and col. 4, lines 9-16) which describes the existence of a single authoritative name server for every domain represented by the switches 108, 106, 110);

Art Unit: 2157

- load balancing switch (108) coupled to said authoritative domain name server [the authoritative name server (see col. 5, lines 19-30, which describes the existence of a single authoritative name serve for every domain represented by the switches 108, 106, 110), also Logan describes the switch sends the response from the authoritative domain name server back to the client (see col. 3, lines 8-25) which indicates the switch is coupled (connected) to the authoritative name server] (see also col. 3, lines 9-25 and col. 5, lines 46-59); and

(a) configuring said load balancing switch (108) as a proxy (acts as) to said authoritative name server (see col. 4, lines 30-36, where the switch 108 acts as i.e, on behave of the authoritative name server), also [the load balancing switch 108, includes a proxy functionality for proxying the authoritative name server also the load balancing switch 108: receives name resolution requests for the authoritative name server (col. 3, lines 11-13), receives responses from the authoritative name server (col. 3, lines 23-26), collects performance metric of the network, arranges a list of IP-addresses from the authoritative name server and sends the ordered list to the client (see the abstract and col. 3, lines 8-25), therefore, the load balancing switch acts as proxy to the authoritative name server, in addition the proxy functionality of the load balancing switch 108 corresponds of the proxy functionality as described in the instant application (see specification page 7, lines 8-17)] (see also col. 5, lines 3-59).

Art Unit: 2157

(b) collecting a first set of performance metrics regarding said network [health and throughput] (see col. 5, line 60-65);

(c) arranging a list of network addresses from said authoritative domain name server in accordance with first set performance metrics (see the abstract and col. 5, lines 3-65 and col. 6, lines 14-41);

- a plurality of site switches (202) coupling said host servers (204-212) to said network (see fig. 2 and col. 6, lines 14-36).

In considering claim 15, Logan et al., discloses a system for load balancing among host servers further comprising:

collecting a second set of performance metrics (i.e. response time minimum delay, least cost) regarding said network, said second set of performance metrics reflecting access conditions (load, throughput or availability) to said host servers (204) at each of said site switches (202) (see fig. 2, and col. 6, line 14-41);

sending said second set of performance metrics from said site switches (204) to said load balancing switches (108)(see col. 6, line 14-41); and

including said second set of performance metrics with said first set of performance metrics [that is the load balancing switch including second performance metric i.e. response time received from site switches 202 with first performance metric i.e. health of the network or in other words

Art Unit: 2157

combing several performance metric to determine best site or server](see col. 5, lines line 46 to col. 6, line 3 and col. 11, line 50 to col. 6, line 4).

In considering claim 16, Logan et al., disclose a system for load balancing among host servers wherein said first set of performance metrics includes a health check sent from said load balancing switch to each of said site switches (see col. 6, lines 14-41).

In considering claim 17, Logan et al., disclose a system for load balancing among host servers wherein, when any of said host servers fails said health check, a network address of said failed host server is provided a lesser position in said ordered list (col. 7, lines 10-35 and col. 11, line 41 to col. 12, line 3).

In considering claim 18, Logan et al., discloses a system for load balancing among host servers, wherein said collection of said second set of performance metrics includes recording, at each site switch, a number of sessions(connections) connected to host servers having network addresses configured on said site switch (that is determining if host servers reach at there respective Maximum connection)(see col. 5, lines 38-45 and col. 9, lines 1-35).

In considering claim 19, Logan et al., disclose a system for load balancing among host servers, wherein when said number of sessions (connection) at said site switch exceeds a predetermined

Art Unit: 2157

percentage of that site switch's maximum capacity, a corresponding one of said network addresses is provided a lesser position in said ordered list [i.e. ordering the list of IP addresses for host server 210, 204, 206, and 208 in order of priority, the 900 msec response time of server 210 gets highest position] (see col. 6, lines 14-41 and col. 9, lines 5-35).

In considering claim 20, Logan et al., disclose a system for load balancing among host servers wherein said collecting said second set of performance metrics includes recording, at each site switch, a round trip time indicative of elapse time (response time) for exchanging messages between each site switch and a client machine of said computer network (see col. 5, lines 3-59).

In considering claim 21, Logan et al., disclose a system for load balancing among host servers, wherein said round trip time being an actual recorded time period between said site switch receiving a connection request from said client machine and said site switch receiving an acknowledgment of a connection from said client machine (response time includes the transmission time, the processing time, transmission time back to the originator), (see col. 5, lines 3-59 and col. 6, lines 14-41).

In considering claim 22, Logan et al., discloses a system wherein said arranging takes into consideration the geographical location of said originator of said query (see col. 10, lines 6-65).

Art Unit: 2157

In considering claim 23, Logan et al., disclose a system for load balancing among host servers wherein said collecting of said first set of performance metrics includes recording a time interval for each site switch between said load balancing switch initiating said health check and said load balancing switch receiving a response from said site switch (see col. 5, line 3 to col. 6, lines 13).

In considering claim 24, Logan et al., disclose a system for load balancing among host servers, wherein said arranging selects a network address of a least recently selected host server for placement at a higher position in said ordered list (i.e. host with 900 msec response time is the least selected host and is positioned highest on the list)(see col. 6, lines 14-41).

In considering claim 25, Logan et al., disclose a system for load balancing among host servers further comprising said load balancing switch limiting a valid time (TTL) for each network address in said ordered list to less than predetermined value (see col. 11, lines 9-13).

In considering claim 26, Logan et al., disclose a system for load balancing among host servers further comprising, when a connection request is received at a site switch for a connection to one of said host servers, said site switch redirecting said connection request to another one of said host servers (see col. 5, lines 38-45 and col. 10, line 66 to col. 11, line 9).

Art Unit: 2157

In considering claims 27, 42 and 56, Logan et al., disclose a method , a system, and a computer program for providing load balancing among a plurality of host servers (204) in a computer network, the method comprising:

- receiving a request from a client relating to any one of the plurality of host servers (see fig. 3 and col. 3, lines 12-14 lines 51 to col. 12, line 4);
- identifying (determining) one or more of the plurality of host servers based on performance metrics including at least a round trip time (see col. 5, lines 8-18, currently measured response time associated with the client)(see fig. 3, and col. 11, lines 51 to col. 12, line 4); and
- sending a response to the client including information associated with each of the one or more identified host servers (see fig. 3, and col. 11, lines 51 to col. 12, line 4).

In considering claims 28, 43, 57, Logan et al., disclose a method, a system, and a computer program for providing load balancing among a plurality of host servers, wherein access to each of the plurality of host servers (204) is controlled by one of a plurality computers (202), and wherein the identifying comprises identifying one or more of the plurality of host servers based on performance metrics collected from each of the plurality of computers (col. 11, lines 51 to col. 12, line 4 and col. 6, lines 13-41).

Art Unit: 2157

In considering claims 29, 44 and 58, Logan et al., disclose a method, a system, and a computer program for providing load balancing among a plurality of host servers , wherein the identifying comprises identifying one or more of the plurality of host servers based on performance metrics collected from each of the plurality of computers, wherein the performance metrics collected from each of the plurality of computers include an indication of whether the number of sessions communicating through the respective computer exceeds a predetermined threshold [i.e reach Maximum Connection/capacity], (see col. 5, lines 38-45 and col. 9, lines 5-11).

In considering claims 30, 45 and 59, Logan et al., disclose a method , a system, and a computer program for providing load balancing among a plurality of host servers , wherein the receiving comprises receiving a request from the client to resolve a domain name associated with any one of the plurality of host servers (see col. 11, lines 51-67).

In considering claims 31, 46 and 60, Logan et al., disclose a method, a system, and a computer program for providing load balancing among a plurality of host servers, wherein the identifying comprises identifying one or more of the plurality of host servers based on performance metrics including an indication of the health of one or more of the plurality of host servers (see col. 2, lines 11-16 and col. 5, line 60-65).

Art Unit: 2157

In considering claims 32, 47 and 61, Logan et al., disclose a method, a system, and a computer program for providing load balancing among a plurality of host servers wherein the identifying comprises identifying one or more of the plurality of host servers based on performance metrics including an indication of the health of an application on one or more of the plurality of host servers (see col. 2, lines 11-16 and col. 5, line 60-65).

In considering claims 33, 48 and 62, Logan et al., disclose a method, a system, and a computer program for providing load balancing among a plurality of host servers wherein the identifying comprises identifying one or more of the plurality of host servers based on performance metrics collected from each of the plurality of computers, wherein the performance metrics collected from each of the plurality of computers include an indication of whether the number of sessions communicating through the respective computer exceeds a predetermined threshold [i.e reach Maximum Connection/capacity], (see col. 5, lines 38-45 and col. 9, lines 5-11).

In considering claims 34, 49 and 63, Logan et al., disclose a method, a system, and a computer program for providing load balancing among a plurality of host servers wherein the identifying comprises identifying one or more of the plurality of host servers based on performance metrics including a geographical location associated with one or more of the plurality of host servers (see col. 10, lines 6-65).

Art Unit: 2157

In considering claims 35, 50 and 64, Logan et al., disclose a method, a system, and a computer program for providing load balancing among a plurality of host servers wherein the identifying comprises identifying one or more of the plurality of host servers based on performance metrics collected from each of the plurality of computers, wherein the performance metrics collected from each of the plurality of computers include an indication of the available session capacity of the respective computer [response time indicate available capacity of the server e.g. lower response time indicate more sessions available], (see col. 6, lines 14-41).

In considering claims 36, 51 and 65, Logan et al., disclose a method, a system, and a computer program for providing load balancing among a plurality of host servers , wherein the identifying comprises identifying one or more of the plurality of host servers based on performance metrics collected from each of the plurality of computers, wherein the performance metrics collected from each of the plurality of computers include a time required by the respective computer to provide an indication of the health of a host server access to which is controlled by the respective computer (site switch 202, providing the response times of the host server 204-212), (see col. 6, lines 14-41).

In considering claims 37, 52 and 66, Logan et al., disclose a method, a system, and a computer program for providing load balancing among a plurality of host servers, wherein the identifying comprises identifying one or more of the plurality of host computers based on performance

Art Unit: 2157

metrics collected from each of the plurality of computers, wherein the performance metrics collected from each of the plurality of computers include a time required by the respective computer to provide an indication of the health of an application on a host server access to which is controlled by the respective computer (see col. 2, lines 11-16 and col. 5, line 60-65).

In considering claims 38, 53 and 67, Logan et al., disclose a method, a system, and a computer program for providing load balancing among a plurality of host servers wherein the identifying comprises identifying one or more of the plurality of host servers based on the number of times each of the one or more plurality of host servers has been previously identified (i.e. the number of connection or number of request received by a host server number of times a host is previously identified) (see col. 9, lines 5-35).

In considering claims 39, 54 and 68, Logan et al., disclose a method, a system, and a computer program for providing load balancing among a plurality of host servers wherein the sending comprises sending a response to the client including information associated with each of the one or more identified servers, wherein the information includes one or more network address each of which is associated with one of the one or more identified host servers (see fig. 3 and col. 11, lines 51 to col. 12, line 4).

Art Unit: 2157

In considering claims 40, 55 and 69, Logan et al., disclose a method, a system, and a computer program for providing load balancing among a plurality of host servers , wherein the sending comprises sending a response to the client including information associated with each of the one or more identified servers, wherein the information includes one or more network address each of which is associated with one of the one or more identified host servers, and wherein the one or more network addresses are ordered based on the performance metrics (see the abstract and col. 10, lines 52-65).

In considering claim 41, Logan et al., disclose a system for providing load balancing among a plurality of host servers (204) in a computer network, the method comprising:

- plurality of computers (202) each of which controls access to one or more of the host servers (204) (see fig. 2 and col 6, lines 14-41);
- wherein at least one of the plurality of computers is configured to receive the performance metric collected by each of the other computers of the plurality of computers(see col. 6, lines 14-41) and in response to a request received from a client relating to any of the plurality of host servers(see col. 11, lines 51-67), to identify one or more plurality of host servers based on performance metrics collected by itself (see col. 5, lines 46-59) and received from each other of the plurality of computers (see col. 6, lines 30-41) and to send a response to the client including information associated with each of the one or more

Art Unit: 2157

identified host server (see figs. 2 and 3, col. 6, lines 14-41 and col. 11, lines 51 to col. 12, line 4).

CONCLUSION

7. The prior art made of record and not relied upon is considered pertinent to the applicants disclosure.

a) Mwikalo et al., U.S. Patent No. 6,480,508. Provides DNS proxy agent which resides on local host or router for redirecting a name resolution requests to appropriate destination.

b) Chauhan U.S. Patent No. 6,115,752. Provides server selection for mirrored sites based on variety of performance metric including round trip time, and etc.

c) Emens et al., U.S. Patent No. 6,606,643. Provides a method for a selecting a client a particular mirrored server that has best response time.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Abdullahi E. Salad** whose telephone number is **(703) 308-8441**. The examiner can normally be reached on Monday to Friday from **8:30 AM to 5:00 PM**. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Etienne, Ario** can be reached at **(703)308-7562**. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is **(703)305-3900**.

Application/Control Number: 09/670,487

Page 21

Art Unit: 2157


Any response to this action should mailed to:

Box AF

Commissioner of Patents and Trademarks

Washington, DC 20231

or faxed to: (703) 872-9306

A handwritten signature in cursive script, appearing to read 'Abdullahi salad', with a horizontal line drawn through the middle of the signature.

Abdullahi salad

AU 2157

12/24/2003